

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to special permits
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 511, “Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321E.15.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.454, 321.456, 321.457 and 321E.29.

Purpose and Summary

This proposed rule making updates Chapter 511 to align the rules with existing legal authority, Department practice, and Iowa Code chapters 321 and 321E as amended by 2020 Iowa Acts, House File 2310, sections 1 to 4.

The proposed amendments strike references to the permit for divisible loads of hay, straw, stover, or bagged livestock bedding since that permit was eliminated by the Legislature and clarifies that a permit for special or emergency circumstances is also authorized under Iowa Code section 321E.29(1). The proposed amendments also add a reference to the fee for a special alternative energy permit, which is set forth in Iowa Code section 321E.14 but was not previously included in Chapter 511. A technical change is proposed to the payment methods accepted by the Department so that the rule will align with current Department procedures.

The proposed amendments conform with the current Department practice of permittees accessing the most up-to-date route and detour information from the 511ia.org website, rather than having to call a person at the Department to receive the information.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 22, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on December 28, 2020, via conference call from 1 to 2 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on December 22, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 511.2(4), introductory paragraph, as follows:

511.2(4) Except as provided in ~~subrule 511.7(6) and~~ rule 761—511.15(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

ITEM 2. Amend paragraph **511.4(2)“a”** as follows:

a. Applications for permits for movement on the primary road system shall be made online or ~~on~~ in the form and manner prescribed by the department.

ITEM 3. Amend rule 761—511.5(321,321E) as follows:

761—511.5(321,321E) Fees and charges.

511.5(1) No change.

511.5(2) ~~Annual~~ Special or emergency oversize permit for certain divisible loads. A fee of \$25 shall ~~may~~ be charged for each ~~annual~~ single-trip permit issued pursuant to Iowa Code section 321E.29, payable prior to the issuance of the permit. ~~Only divisible loads of hay, straw, stover, or bagged livestock bedding are permitted under this permit.~~

511.5(3) to 511.5(9) No change.

511.5(10) Special alternative energy multitrip permit. A fee of \$600 shall be charged for each special alternative energy multitrip permit issued pursuant to Iowa Code section 321E.9B, payable prior to the issuance of the permit.

~~511.5(10)~~ **511.5(11)** Compacted rubbish permit. A fee of \$100 shall be charged for each compacted rubbish permit, payable prior to the issuance of the permit.

~~511.5(11)~~ **511.5(12)** *Duplicate permit.* A fee of \$2 shall be charged for each duplicate permit, payable prior to the issuance of the permit.

~~511.5(12)~~ **511.5(13)** *Registration fee.* A registration fee shall be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load. The fee shall be 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel and shall be payable prior to the issuance of the permit. Fees shall not be prorated for fractions of miles.

~~511.5(13)~~ **511.5(14)** *Fair and reasonable costs.* Permit-issuing authorities may charge any permit applicant:

a. A fair and reasonable cost for the removal and replacement of natural obstructions or official signs and signals.

b. A fair and reasonable cost for measures necessary to avoid damage to public property including structures and bridges.

~~511.5(14)~~ **511.5(15)** *Methods of payment.* Fees and costs required under this chapter shall normally be paid by credit card, certified check, cashier's check, traveler's check, bank draft or cash. Personal checks may be accepted at the discretion of the permit-issuing authority in the form and manner prescribed by the department.

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.14, 321E.29, 321E.29A and 321E.30.

ITEM 4. Amend rule 761—511.7(321,321E), introductory paragraph, as follows:

761—511.7(321,321E) Annual permits. Annual permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. ~~Detour~~ Route, detour and road embargo information may also be found online at: www.511ia.org. ~~Prior to making the move, the owner or operator shall contact the department by telephone at (515)237-3264 between 8 a.m. and 4:30 p.m., Monday through Friday, except for legal holidays, to verify that the owner or operator is using the most recent information.~~ Annual permits are issued for the following:

ITEM 5. Rescind subrule **511.7(6)**.

ITEM 6. Amend rule **761—511.7(321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10, ~~321E.29~~ and 321E.29A.

ITEM 7. Amend paragraph **511.8(1)“e”** as follows:

e. Routing. The owner or operator shall select a route using a vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions map provided by the department. ~~Detour~~ Route, detour and road embargo information may be found online at www.511ia.org. ~~The owner or operator shall contact the department by telephone at (515)237-3264 between 8 a.m. and 4:30 p.m., Monday through Friday, except for legal holidays, prior to making the move to verify that the owner or operator is using the most recent information.~~

ITEM 8. Rescind and reserve subrule **511.9(6)**.

ITEM 9. Amend rule **761—511.9(321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, and 321E.10 ~~and 321E.29~~.

ITEM 10. Amend rule **761—511.12(321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, and 321E.9 ~~and 321E.29~~.

ITEM 11. Rescind subrule **511.15(4)**.